

1 Andrew S. Austin V-94573
2 Mule Creek State Prison
3 P.O. Box 409060, C-13-237
4 Ione, CA 95640

5 In Pro Per

FILED
08 JUL 11 PM 4:35
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 ANDREW S. AUSTIN,
13 Petitioner,

C 07-5620 MHP (PR)

14 v.

TRAVERSE TO ANSWER TO PETITION
FOR WRIT OF HABEAS CORPUS

15 RICHARD SUBIA, Warden,
16 Respondent.

17 Petitioner, Andrew S. Austin, hereby makes this Traverse
18 to Respondent's Answer To Order To Show Cause and admits, denies
19 and withdraws as follows:

20 1. Paragraph 1 of Respondent's Answer alleges petitioner's
21 custody to be lawful. Petitioner denies this statement.

22 2. Paragraph 2 of Respondent's Answer is a blanket denial
23 of the claims raised by petitioner. Petitioner rejects this
24 denial and reasserts the basis of the claims presented in Claims
25 I and IV of his writ petition and which are supported by the
26 record of this case. As to Claims II and III, petitioner hereby
27 moves to withdraw these claims from before the court for tactical

1 reasons as well and in the interest of judicial economy.
2

3 WHEREFORE, petitioner respectfully requests this Honorable
4 Court grant the relief prayed for.
5

6 Dated: July 9, 2008

Respectfully submitted,

7 Andrew S. Austin
8 Andrew S. Austin, In Pro Per
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECLARATION OF SERVICE BY MAIL

Case Name: Austin v. Subia Case Number: C 07-5620 MHP

I, Andrew Austin, hereby certify that I am a citizen of the United States, over the age of 18 years, and am (not) a party to the within action. I am currently incarcerated at Mule Creek State Prison. My mailing address is P.O. Box 409060, Lone California, 95640-9060.

On July 9, 2008, I served the following documents:

DOCUMENTS SERVED:

Traverse To Answer To Petition For Writ Of Habeas Corpus.

To the following parties:

PARTIES SERVED:

California Attorney General
455 Golden Gate Ave. #11000
San Francisco, CA 94102

I enclosed a true copy of said document(s) in a sealed envelope addressed to each of the above persons or parties, and personally handed the envelope into the custody of the Correctional Officer in charge of outgoing legal mail, for delivery tot he United States Postal Service, in accordance with established institutional mailing procedures.

I, Andrew Austin, hereby certify and declare under penalty of perjury the foregoing is true and correct. Executed on July 9, 2008, at Lone CA, by:

Andrew Austin
Declarant

Andrew S. Austin V-94573
Mule Creek State Prison
P.O. Box 409060, C-13-237
Ione, CA 95640

Clerk of the Court
U.S. Dist. Court
Northern Dist. of Calif.
450 Golden Gate Ave.
San Francisco, CA 94102

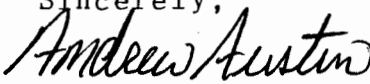
Re: Filing Traverse

Dear Clerk of the Court:

Enclosed you will find a Traverse for filing in your court in the entitled case. Also enclosed is an extra cover page for conforming and returning in the envelope provided.

Thank you.

Dated: July 9, 2008

Sincerely,

Andrew Austin

JUL 11 11 00 AM
CLERK, U.S. DIST. COURT
NORTHERN DIST. OF CALIF. PHIA